

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**LUIS CAMPOS, ARNOLDO MOLINA,  
GONZALO VIDANOS, JOSE GARCIA, EDISON  
JACHERO, and ADRIAN GOMEZ, on behalf of  
themselves and all others similarly situated,**

**Plaintiffs,**

**-against-**

**ERIC GOODE, SEAN MACPHERSON, GARDEN  
CAFÉ ASSOCIATES LLC, SULCATA CORP.  
d/b/a B BAR AND GRILL, BOWERY F&B LLC,  
BOWERY HOTEL LLC d/b/a GEMMA, BD  
STANHOPE, LLC d/b/a MATSURI and LA  
BOTTEGA,**

**Defendants.**

**10 Civ. 0224 (DF)**

**NOTICE OF MOTION FOR CERTIFICATION OF THE SETTLEMENT CLASS,  
FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT, AND APPROVAL OF  
FLSA SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of FLSA Settlement ("Plaintiffs' Motion for Final Approval"), and in the Declaration of Rachel Bien in Support of Plaintiffs' Motion for Certification of the Settlement Class and Final Approval of the Class Action Settlement ("Bien Decl.") and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

(1) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

All individuals who work or worked at B Bar and Grill, Gemma, La Bottega, and/or Matsuri as cooks, dishwashers, servers, bussers, runners, porters, and/or receivers from January 1, 2004 through December 31, 2009, and whose names are listed on the class lists provided to Class Counsel pursuant to the settlement agreement and any others who fall within the above definition but whose names

were inadvertently left off the lists with the approval of counsel for the parties, but shall exclude Sonam Wangdak, Sangay Dorjee, Dhondop Tenpa, and Mingyur Dorje.

- (2) granting final approval of the Joint Stipulation of Settlement and Release, attached as Exhibit B to the Bien Decl.;
- (3) granting approval of the FLSA Settlement; and
- (4) granting any other relief that the Court deems just and proper.

\* \* \*

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: February 18, 2011  
New York, New York

Respectfully submitted,

**OUTTEN & GOLDEN LLP**

By:

/s/ Rachel Bien  
Rachel Bien

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**Attorneys for Plaintiffs and the Class**